

BEST AVAILABLE COPYREMARKS

In response to the Final Office Action mailed on December 27, 2004, and in conjunction with the concurrently filed Request for Continued Examination, a copy of which is attached, and further in response to a telephone interview conducted with the Examiner on April 5, 2005, the Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. The Applicant respectfully submits that the claims as presented are in condition for allowance. Claims 1-39 are pending in the present invention. Claims 1-39 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,963,939 issued to McCann et al. (hereinafter "McCann"). Claims 1, 9, 10, 14, 20, 24, 27, 33, and 37 have been amended. Claims 4-6, 19, 23, 32, and 36 have been canceled, leaving claims 1, 2, 3, 7-18, 20-22, 24-31, 33-35, and 37-39 for consideration. No new matter has been entered.

Rejections under §102(b)

Claims 1-39 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by McCann. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verilegal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the * * * claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Applicant's claim 1 has been amended to include limitations set forth in canceled claims 4-6. Further claim 14 has been amended to include limitations set forth in canceled claims 19 and 23. Also, claim 27 has been amended to include limitations set forth in canceled claims 32 and 36. No new matter has been entered.

Applicant's amended claim 1 recites a "system for an adaptive sales interview search technique for an electronic catalog, the system comprising:

- a customer interface;

- a host system coupled to said customer interface through a network, the host system performing:

- providing in said electronic catalog products contained in a database;

- providing in said electronic catalog questions relating to said products to be presented to a customer using said electronic catalog;

- supplying in said electronic catalog likely answers of the customer linked to constraints relative to said products contained in said database;

- selecting said electronic catalog questions in order of a ranked importance, said ranked importance independent of any previous answers provided by said customer;

- presenting a highest ranked question;

- receiving an answer to said highest ranked question;

- determining a next highest ranked question, said determining including searching for said next highest ranked question containing at least one relevant answer, the searching including presenting said next highest ranked question if said next highest ranked question contains at least two relevant answers;

- presenting said next highest ranked question;

receiving an answer to said next highest ranked question;
applying constraints based on said answer to said highest ranked question
and said next highest ranked question; and
limiting product choices based on said answer to said highest ranked
question and said answer to said next highest ranked question; and
a database coupled to said host system.”

The Applicant submits that claims 1-39 are not anticipated by McCann because each and every element as set forth in Applicant's amended claim 1 is neither expressly nor inherently described in McCann.

Specifically, McCann does not teach or suggest selecting electronic catalog questions in order of a ranked importance which are independent of any previous answers provided by a customer. Nor does McCann teach presenting a highest ranked question, receiving an answer to the highest ranked question, determining a next highest ranked question via a search for a next highest ranked question that contains at least one relevant answer, the searching including presenting the next highest ranked question if it contains at least two relevant answers. Nor does McCann teach presenting the next highest ranked question, applying constraints based on the answers to the highest ranked question and the next highest ranked question, and limiting product choices based on the answers to the highest and next highest ranked questions. Rather, McCann teaches a method and system for assisting businesses in making purchasing decisions regarding their computer network needs. The method involves “gathering information on a user's computing equipment requirements through a series of questions and then suggests a solution that meets or exceeds those requirements” (Background; col. 2, lines 56-59). The method and system implement a Client Base Class 120 “for each client and machine...defining a particular client's determined configuration, so that a user can choose merely to update a current configuration rather than devise an entire new system...” (col. 7, lines 3-7; FIG. 22J). The Client Base Class 120 identifies a client

during a login session (col. 7, lines 55-63; col. 8, lines 38-42) and specific client information is used by the method in determining a solution (col. 8, lines 43-46). Client information refers to information relating to a client's existing computer system (col. 7, lines 20-30). Thus, McCann teaches that existing client computer systems are evaluated and factored into the solutions developed for a client. There is no teaching or requirement in Applicant's Claim 1 that existing products are evaluated as part of the solution development process.

Further, in contrast to McCann, the Applicant's Claim 1 teaches that questions "are selected in order of a ranked importance, said ranked importance independent of any previous answers provided by said customer." Nothing in McCann teaches or suggests selecting and presenting questions in a ranked order of importance. The only ranking taught by McCann refers to product ranking, not question ranking. In support, McCann recites "[e]ach product known to the tool is assigned a rank...determined by comparing the product to other products on the market" (col. 4, lines 24-26). As further support, McCann recites "[s]ome of the general information is then translated into rankings. The rankings are based on the preferences defined by the user in response to the question block processes" (col. 12, lines 2-5). Thus, McCann does not teach or suggest ranking questions as provided in Applicant's Claim 1.

With respect to selecting and presenting questions in order of ranked importance, the Applicant submits that McCann, in fact, teaches away from Claim 1. The McCann reference teaches that a user may "control the entry of information by allowing the user to branch to other question blocks within the questions procedures" (col. 9, lines 36-38). Further support may be found in column 10, lines 42-49. By providing a user with control over the selection of questions, McCann teaches away from Claim 1 because

Claim 1 recites that questions are ranked in order of importance and a highest ranked question is presented; a user, therefore, has no control over the presentment of questions.

Further, McCann teaches that a series of questions are presented to the user before the method calculates a solution (FIGs. 58A-58V and associated specification). Contrary to McCann, Applicant's Claim 1 recites that a highest ranked question is presented, a constraint is applied to an answer provided in response to the highest ranked question, and limited product choices based on the answer to the highest ranked question are determined. Thus, the evaluation process recited in Applicant's Claim 1 is implemented subsequent to receiving an answer to a particular question and not subsequent to a series of questions as taught by McCann.

Accordingly, because McCann does not teach each and every element of Applicant's Claim 1, the Applicant submits that Claim 1 is not anticipated by McCann. Reconsideration of the rejection is respectfully requested.

Claims 14 and 27 are believed to be allowable for at least the reasons advanced above for Claim 1; therefore, reconsideration of the rejections is respectfully requested. Claims 2, 3, 7-13 depend from what should now be an allowable Claim 1. Claims 15-18, 20-22, and 24-26 depend from what should now be an allowable claim 14. Claims 28-31, 33-35, and 37-39 depend from what should be an allowable claim claim 27.

Accordingly, the Applicant submits that claims 2, 3, 7-13, 15-18, 20-22, 24-26, 28-31, 33-35, and 37-39 are in condition for allowance for at least the reason that they depend from allowable claims. The Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

BEST AVAILABLE COPY**Conclusion**

In view of the foregoing remarks, Applicant submits that this application is in condition for allowance. Early notification to this effect is requested.

If there are any charges due in connection with this response, please charge them to Deposit Account 09-0459.

Respectfully submitted,

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